



*Ifw/s*

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Fallaux et al.

**Serial No.:** 10/618,526

**Filed:** July 11, 2003

**For:** PACKAGING SYSTEMS FOR  
HUMAN RECOMBINANT ADENOVIRUS  
TO BE USED IN GENE THERAPY

**Confirmation No.:** 5055

**Examiner:** D. Nguyen

**Group Art Unit:** 1632

**Attorney Docket No.:** 2578-3833.9US

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 6, 2004  
Date

*Aubry Blackburn*  
Signature

Aubry Blackburn  
Name (Type/Print)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as

defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

Pursuant to 37 C.F.R. § 1.98(d), a copy of any patent, publication or other information listed in the Information Disclosure Statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. § 120.

Accordingly, no copy of information marked with a pound sign (#) is enclosed because it was previously cited or submitted to the patent office in a prior application which is properly identified above, and is relied upon for an earlier filing date. The references are as follows:

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
#US- 5,707,618	01-1998	Armentano et al.
#US- 5,824,544	10-1998	Armentano et al.
#US- 6,040,174	03-2000	Imler et al.
#US - 6,051,430	04-18-2000	Plasterk et al.
#US - 6,140,103	10-31-2000	Einerhand et al.
#US - 6,203,975	03-2001	Wilson
#US - 6,204,052	03-20-2001	Bout et al.
#US- 6,210,939	04-2001	Gregory et al.
#US - 6,232,105	05-15-2001	Einerhand et al.
#US - 6,238,893	05-29-2001	Hoeben et al.
#US - 6,265,212	07-24-2001	Fallaux et al.
#US - 6,306,652 B1	10-23-2001	Fallaux et al.
#US - 2002/0102732 A1	08-01-2002	Fallaux et al.
#US - 2002/0173039 A1	11-02-2002	Fallaux et al.
#US - 2002/0164802 A1	11-07-2002	Fallaux et al.
#US - 2003/0104626 A1	06-05-2003	Fallaux et al.

Serial No.: 10/618,526

#US - 6,602,706 B1	08-05-2003	Fallaux et al.
#US- 2004/0087027 A1	05-2004	Gregory et al.

Foreign Patent Documents

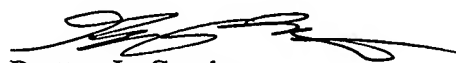
<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
#EP 117060	08-1984	Levinson
#WO 97/00326	01-03-1997	Introgene B.V.

Other Documents

#CHROBOCZEK et al., The Sequence of the Genome of Adenovirus Type 5 and Its Comparison with the Genome of Adenovirus Type 2, Virology, 1992, pp. 280-85, Vol. 186.

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits. The fee pursuant to 37 C.F.R. § 1.17(p) is enclosed.

Respectfully submitted,



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Date: December 6, 2004  
BLC/alb

Enclosures: Form PTO/SB/08

Document in ProLaw



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/618,526
Filing Date	July 11, 2003
First Named Inventor	Fallaux et al.
Group Art Unit	1632
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833.9US

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		#US- 5,707,618	01-1998	Armentano et al.	
		#US- 5,824,544	10-1998	Armentano et al.	
		#US- 6,040,174	03-2000	Imler et al.	
		#US-6,051,430	04-18-2000	Plasterk et al.	
		#US- 6,140,103	10-31-2000	Einerhand et al.	
		#US- 6,203,975	03-2001	Wilson	
		#US- 6,204,052	03-20-2001	Bout et al.	
		#US- 6,210,939	04-2001	Gregory et al.	
		#US- 6,232,105	05-15-2001	Einerhand et al.	
		#US- 6,238,893	05-29-2001	Hoeben et al.	
		#US- 6,265,212	07-24-2001	Fallaux et al.	
		#US- 6,306,652 B1	10-23-2001	Fallaux et al.	
		#US- 2002/0102732 A1	08-01-2002	Fallaux et al.	
		#US- 2002/0173039 A1	11-02-2002	Fallaux et al.	
		#US- 2002/0164802 A1	11-07-2002	Fallaux et al.	
		#US- 2003/0104626 A1	06-05-2003	Fallaux et al.	
		#US- 6,602,706 B1	08-05-2003	Fallaux et al.	
		#US- 2004/0087027 A1	05-2004	Gregory et al.	
		US-			
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		#EP 117060	08-1984	Levinson		
		#WO 97/00326	01-03-1997	Introgene B.V.		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B(10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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Sheet

1

of

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Group Art Unit	1632
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833 9US

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		#CHROBOCZEK et al., The Sequence of the Genome of Adenovirus Type 5 and Its Comparison with the Genome of Adenovirus Type 2, Virology, 1992, pp. 280-85, Vol. 186.	

Examiner  
Signature

Date

Considered

#Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application:

Serial No.: 10/219,414

Filed: August 15, 2002

For: STOCKS OF REPLICATION DEFICIENT ADENOVIRUS, which application is being relied upon for an earlier filing date under 35 U.S.C. § 120.

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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